

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

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VIDA PRESS, XAVIER AMADOR,

Plaintiffs,

-against-

COMPLAINT

DOTCOM LIQUIDATORS, LTD.,

22-CV-_____

Defendant.

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Plaintiff, by its attorney, Todd Wengrovsky, respectfully sets forth and alleges:

**I.
JURISDICTION**

1. This is an action for copyright infringement under 17 USCS 101, et. seq. The Court has jurisdiction over the claim under 17 USCS 101et seq., as well as the doctrine of pendent jurisdiction.

**II.
VENUE**

2. Venue is vested in this Court pursuant to 28 USCS 1391 and 1400 in that the claims asserted here arose within this district, and that Plaintiff's principal place of business is located within this district.

**III.
THE PARTIES**

3. At all relevant times, Plaintiff Vida Press is and was a limited liability company organized and existing under the laws of the State of New York. Plaintiff's address is P.O. Box 29, Peconic, NY 11958.

4. At all relevant times, Plaintiff Xavier Amador is and was an individual domiciled in the State of New York. Plaintiff's address is P.O. Box 29, Peconic, NY 11958.

5. Upon information and belief, Defendant DotCom Liquidators, Ltd. is and was a limited liability company organized and existing under the laws of the State of Texas. Defendant's address is 3900 Highway 377 S., Fort Worth, TX 76116. Upon information and belief, West Berkovsky is the individual owner of Defendant DotCom Liquidators, Ltd., and West Berkovsky controls the daily affairs of such business and personally benefits from any revenues generated therefrom.

IV. BACKGROUND AND FACTS

A. Plaintiffs' Copyrighted Material

6. Plaintiff Xavier Amador, Ph.D. is an internationally renowned clinical psychologist and leader in his field. He is the author of several books, and his research and writings have been translated into twenty-two languages. Xavier Amador, Ph.D. is a family caregiver of siblings with serious mental illness and addiction. His worldwide speaking tours and extensive work in television news make him truly unique among his peers.

7. Xavier Amador, Ph.D. has made a substantial investment of time, money, skill, and effort to create a written work known as "I Am Not Sick I Don't Need Help!"

8. The book was first published in 2000. A 10th Anniversary edition was then published in 2010 and assigned ISBN 978-0-9677189-3-4. With authorization from Xavier Amador, Ph.D., Plaintiff Vida Press subsequently published a 20th Anniversary Edition thereof. All chapters of the book were updated with new research and material.

9. Such above-identified work was assigned ISBN 978-0-9852067-0-3 and was published on August 1, 2020.

10. During Plaintiffs' usage of the work, markings appeared on the work serving as notice to the public that the mark was protected by the copyright laws.

11. Plaintiffs own United States Copyright Number 1-11102605561 for the above-identified work.

B. Defendant's Unauthorized Usage Of Plaintiffs' Copyrighted Material

12. Defendant is using Plaintiffs' work without license or authorization from Plaintiffs, including the promotion, distribution, and sale of unauthorized spiral bound versions of the work via the Amazon platform.

13. Defendant's infringing product is an unauthorized derivative of Plaintiffs' work and is of inferior quality.

14. As such, Defendant has violated the terms of the Copyright Act, codified at 17 U.S.C. 101, et seq.

C. Damages For Copyright Infringement

15. Plaintiffs have expended significant time, effort, and resources in creating and promoting the work. Defendant is free riding on Plaintiff's efforts, enjoying revenues from using an unauthorized derivative of the work without the expenditures associated with developing same. Plaintiff is being damaged by Defendant's infringement, including lost revenues. Allowing Defendant to continue infringing will cause further damage to Plaintiff, and defy the purpose of the United States Copyright Registration system.

16. Accordingly, Plaintiff seeks damages in the form of: (1) all of Defendant's profits with interest from the inception of Defendants' usage of the work through conclusion of this action; (2) the damages sustained by Plaintiff; and (3) the costs of this action.

17. Plaintiff also demands treble damages and attorneys' fees due to Defendant's bad faith and ongoing willful infringement. Defendant continues to promote the infringing product today, after being put on notice of Plaintiff's copyright and infringement claim. Specifically, Plaintiff served Defendant with a cease and desist letter dated March 10, 2022, but Defendant is still offering the infringing product for sale via at least the Amazon platform.

AS AND FOR A FIRST CAUSE OF ACTION

18. Plaintiff repeats and reiterates each and every allegation of paragraphs 1 through 18 set out herein, with the same force and effect as if fully set forth therein.

19. Plaintiff Xavier Amador, Ph.D. has made a substantial investment of time, money, skill, and effort to create the written work known as "I Am Not Sick I Don't Need Help!"

20. The book was first published in 2000. A 10th Anniversary edition was then published in 2010 and assigned ISBN 978-0-9677189-3-4.

21. With authorization from Xavier Amador, Ph.D., Plaintiff Vida Press subsequently published a 20th Anniversary Edition thereof.

22. Such above-identified work was assigned ISBN 978-0-9852067-0-3 and was published on August 1, 2020.

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24. Plaintiffs own United States Copyright Number 1-11102605561 for the above-identified work.

25. Defendant is using Plaintiffs' work without license or authorization from Plaintiffs, including the promotion, distribution, and sale of unauthorized spiral bound versions of the work via the Amazon platform.

26. Defendant's infringing product is an unauthorized derivative of Plaintiffs' work and is of inferior quality.

27. Defendant has violated the terms of the Copyright Act, codified at 17 U.S.C. 101, et seq.

28. Plaintiff has suffered and will to continue to suffer economic losses due to the infringement of Defendant, in violation of 17 U.S.C. 101, et seq.

29. Plaintiff is unable to ascertain the amount of its actual damages at this time.

WHEREFORE, Plaintiffs request that:

- A. It be adjudged that Plaintiffs' copyrighted work has been infringed by Defendant;
- B. Defendant and its officers, directors, agents, representatives, attorneys and all persons acting and claiming to act on its behalf or under their direction or authority, and all persons acting in concert or participation with it, and each of them, be permanently enjoined from using Plaintiffs' copyrighted work and any and all works similar thereto in the United States.
- C. Defendant be required to account for its profits from infringement of Plaintiffs' copyrighted work;
- D. That the Court award Plaintiffs damages against Defendant in an amount adequate to compensate Plaintiffs on their first cause of action;

E. That the Court award Plaintiffs costs and disbursements of this action as provided by 17 U.S.C. 101, et. seq.;

F. That the Court increase the amount of damages found or assessed for Defendant's infringement by three times, and award reasonable attorneys' fees, on account of the willful, intentional, and deliberate character of Defendant's infringing acts, as provided by 17 U.S.C. 101, et. seq.; and

G. That the Court award Plaintiffs such other and further relief as the Court deems just, proper, and equitable.

Dated: Calverton, New York
April 8, 2022

/s/ Todd Wengrovsky
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